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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,951	10/13/2004	Jurgen Lamschick	04156	5042
23338	7590	06/15/2006	EXAMINER	
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			LE, MARK T	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/508,951	Applicant(s) LAMSCHICK, JURGEN	
	Examiner Mark T. Le	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the dome-shaped seating points, as recited in instant claim 14, and the pneumatic cylinder, as recited in instant claim 15, must be shown or the features must be canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In claim 6, line 5, the word "preferably", and in claims 4, 5, 10, 12 and 14, the expression "such as" should be avoided because such word and expression do not positively set forth the associated features of the invention as recited in the instant claims.

4. Claims 6, 8 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, line 3, "the drive" lacks antecedent basis.

In claim 8, line 3, "the housing" lacks antecedent basis.

In claim 13, "the rocker", "the swivel axis", "the side flange", and "the housing" lack antecedent basis. Furthermore, the language of claim 13 is not clear.

In claim 14, "the bar-shaped elements" and "the rods" lack antecedent basis.

In claim 15, "the housing" lacks antecedent basis.

In claim 16, the instant claimed two short legs and two long legs are indefinite as being "double inclusions". Note that the two short legs and two long legs of claim 16 are the four legs of the parallelogram defined in claim 1. Accordingly, claim 16 should

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be amended to clearly establish the relationship between the short and long legs of claim 16 and the four legs of the parallelogram defined in claim 1 so to avoid "double inclusions".

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7, 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 5-146003.

The Japanese reference discloses a current collector having all the features as recited in the instant claims, including base parallelogram 12 comprising first and second legs 13, third leg 11, and fourth leg 15; mounting 18 connected to the base parallelogram via connections in the form of pins/bolts 17, 20; and collector shoe 19 support by mounting 18. As to the connection includes a predetermined breaking point, as recited in instant claim 1, it is the examiner's position that the pins/bolts 17,20 of the Japanese reference inherently have predetermined breaking points in the assembly of the Japanese reference, wherein, said pins/bolts will break when a high enough force is applied to the pins/bolts.

Regarding the instant claimed emergency running shoe, as recited in instant claim 7, note that member 16 of the Japanese reference is readable as an emergency running shoe.

Regarding instant claim 11, note that the instant claimed angle is equal or less than 15 degrees, which is equated to a range of 0-15 degrees.

7. Claims 1, 6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kilkenny (US 6,152,273).

Kilkenny, Figures 7-8, shows a current collector having all the features as recited in the instant claims, including base parallelogram 126 comprising first and second legs 30, third leg 128, and fourth leg 131; and a collector shoe being supported by mounting 32. Note that the mounting of Kilkenny is connected to the base parallelogram by at least one connection that inherently includes a predetermined breaking point, at which the connection will break when a high enough force is being applied thereto.

Regarding instant claim 6, note in the structure shown in Figure 8 of Kilkenny, the current conductor is being tied to the lower end of fourth leg 131; therefore, said current conductor is readable as being extending from leg 131 to mounting 32, as recited in the instant claim.

Regarding instant claim 8, note that the housing of Kilkenny is readable as being constituted by the combination of elements 128, 24 and 26; therefore, third leg 128 of Kilkenny is readable as a segment of the housing as claimed.

Regarding instant claim 9, note lines 50-51, column 5 of Kilkenny, wherein, first and second arms 30 are made of plastic, which is an electrically insulating material.

Regarding instant claim 10, consider Figure 4 of Kilkenny; wherein, second arm 30 is constituted by two bar-shaped elements 70.

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kilkenney (US 6,152,273) in view of Case (US 1,000,779).

Kilkenney is applied above.

Regarding the instant claimed pneumatic cylinder, recited in instant claim 15, consider the current collector control system of Case; wherein, pneumatic cylinder 2 is provided to operate the current collector arms. In view of Case, it would have been obvious to one skilled in the art to substitute a pneumatic cylinder operating system, similar to that taught by Case, for the collector arm operating means of Kilkenney so

that the extension or retraction of the collector arms can be conveniently controlled through the pneumatic control system.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kilkenny (US 6,152,273) in view of Clarke (US 5,676,224).

Kilkenny is applied above.

It is noted that Kilkenny does not show a detailed mounting of the collector shoe in the mounting body. Clarke provides a more specific teaching of mounting a collector shoe 12 in mounting body 30 in a conductive fashion; wherein, the mounting includes bolts 50. In view of Clarke, it would have been obvious to one skilled in the art modify the collector shoe assembly of Kilkenny into a structure, similar to that taught by Clarke, because Clarke provides a better showing of the detailed construction of the collector shoe assembly.

11. Claim 13 cannot be further treated on the merits because claimed subject matters cannot be determined.

12. Claim 14 should depend from claim 10 instead of claim 1 because claim 14 refers to the subject matters defined in claim 10. Claim 14 would be favorably considered if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.




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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (2:00-8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
6/6/06